

**BAKER BOTTS** LLP

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WASHINGTONFROM David Loretto  
DATE October 21, 2004  
PAGES 20 (including cover)VOICE NO. 212-408-2584  
FAX NO. 212-259-2584  
RETURN TO Teresa Melody

TO Office of Petitions, USPTO

FAX NO. 703 872 9306  
VOICE NO.

## MESSAGE

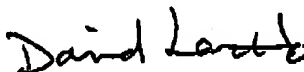
Re: U.S. Patent Application Serial No. 09/975,114  
For "ELECTRICAL CONNECTOR"  
Our File No.: A34642 - 070793.0139

Dear Sir:

Further to a telephone conversation earlier today with an attorney from your office, please find attached a copy of the Request for Reconsideration on Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action that we originally mailed to the Office of Petitions on January 28, 2004, and a copy of a receipt postcard bearing the PTO date stamp "Feb. 2, 2004."

We look forward to receiving your decision on the attached matter.

Very truly yours,



David Loretto

## NY02:502000.1 Notice of Confidentiality

The information contained in and transmitted with this facsimile is: 1. Subject to the Attorney-client Privilege; 2. Attorney Work Product; or 3. Confidential. It is intended only for the individual or entity designated above. You are hereby notified that any dissemination, distribution, copying, or use of or reliance upon the information contained in and transmitted with this facsimile by or to anyone other than the recipient designated above by the sender is unauthorized and strictly prohibited. If you have received this facsimile in error, please notify Baker Botts LLP by telephone at 212.408-2500 immediately. Any facsimile erroneously transmitted to you should be immediately returned to the sender by U.S. Mail or, if authorization is granted by the sender, destroyed.

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BILLING NO. 070793.0138

ATTORNEY/EMPLOYEE NO. 04349

CRITICAL DEADLINE, SEND BY

PAGE 1/20 \* RCVD AT 10/21/2004 3:10:01 PM [Eastern Daylight Time] \* SVR:USPTO-EFAX-1/0 \* DNIS:8729306 \* CSID:212 408 2501 \* DURATION (mm-ss):10-34

In Re: Tomonari Ohtsuki  
(Applicant)  
In Re: Petition\*  
1/28/2004  
09/975,114  
(Serial No.)  
A34699  
070793.0139  
(File No.)  
(Title of Paper)  
(Date)  
The stamp of the Patent Office Mail Room hereon acknowledges the receipt of the above-identified papers on the date indicated by such stamp.

\*Encls. Transmittal Form;  
Fee Transmittal;  
Copy of Office Action dated January 28, 2004;  
Return Postcard.



Attorney Docket No. A34699 070793.0139  
Serial No. 09/975,114

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ohtsuki, Tomonari  
Serial No. : 09/975,114 Examiner : Nguyen, Khiem M.  
Filed : October 11, 2001 Group Art Unit: 2839  
For : ELECTRICAL CONNECTOR

RECEIVED  
CENTRAL FAX CENTER  
OCT 21 2004

**REQUEST FOR RECONSIDERATION ON PETITION TO WITHDRAW HOLDING OF  
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

I hereby certify that this paper is being deposited with the United States  
Postal Service as first class mail in an envelope addressed to Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

January 28, 2004

Date of Deposit

Eric J. Faragi

Agent Name

Eric J. Faragi  
Signature

51,259

PTO Reg. No.

January 28, 2004

Date of Signature

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On September 3, 2003, Attorneys for Applicant received a Notice of Abandonment for the failure to file a response to an Office Action dated December 18, 2002. A true and correct copy of the Notice of Abandonment is attached hereto.

Applicant's attorneys of record, Baker Botts LLP, however, never received a copy of the Office Action, and as such, could not reply to it. A search of the file jacket and docket records indicates that the Office communication was not received.

Attorney Locket No. A34699 070793.0139  
Serial No. 09/975,114

In accordance with M.P.E.P. § 711.03(c) "Petition to withdraw holding of abandonment based on failure to receive office action," Applicant submits it never received the Office Action that was mailed on December 18, 2002 and therefore cannot respond to it.


Applicant's attorney sent a status letter to the Patent Office on July 9, 2003, stating that "our periodic docket check indicates that to date we have not received an Office Action in the above-referenced application." The stamp of the Patent Office Mailroom was dated July 14, 2003 on the return postcard.

A copy of the docket record for Paul Ragusa, the attorney of record in the instant application, for March 18, 2003 and June 18, 2003, the three and six month dates from the Office Action mailing date is enclosed herewith. The docket record shows no entry for the above-referenced application.

Applicant's attorney filed a petition to withdraw the holding of abandonment based on the aforementioned facts. The Patent Office dismissed the petition on January 7, 2004 because the docket record needed further explanation. Applicant now offers further explanation and respectfully requests reconsideration of the petition.

The docket record enclosed (previously and herewith), shows the files with actions due on March 18, 2003 and June 18, 2003 for Paul Ragusa, the attorney of record in the instant application. Thus, if the Office Action were received and docketed by Baker Botts LLP, the docket records for March 18, 2003 and June 18, 2003 are where the non-received Office Action would have been entered.


Applicant requests the holding of Abandonment of the application be withdrawn and a copy of the Office Action, redated to the mailing date of the Patent Office's response to this communication, to be resent.

Attorney cket No. A34699 070793.0139  
Serial No. 09/975,114

Applicant does not believe that any fee is required in connection with the submission of this document. However, should any additional fee be required, or if any overpayment has been made, the Commissioner is hereby authorized to charge any fees, or credit or any overpayments made, to Deposit Account 02-4377.

Respectfully submitted,  
BAKER BOTTS L.L.P.

By:

  
Paul A. Ragusa  
Patent Office Reg. No. 38,587  
*Attorneys for Applicants*

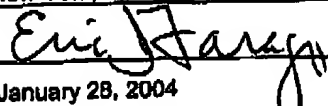
Eric J. Faragi  
Patent Office Reg. No. 51,259  
*Agent for Applicants*

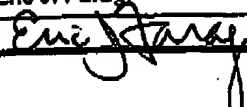
30 Rockefeller Plaza  
New York, NY 10012-4498  
212-408-2500

**BAKER BOTTS** LLPPlease type a plus sign (+) inside this box → **+**

|   |                        |                    |
|---|------------------------|--------------------|
| <b>TRANSMITTAL FORM</b><br>(to be used for all correspondence after initial filing) | Application Number     | 09/975,114         |
|   | Filing Date            | October 11, 2001   |
|   | First Named Inventor   | Tomonari Ohtsuki   |
|   | Group Art Unit         | 2839               |
|   | Examiner Name          | Nguyen, Khlem M.   |
| Total Number of Pages in This Submission  | Attorney Docket Number | A34699 070793.0139 |

| ENCLOSURES (check all that apply)  |  |  |
|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input checked="" type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>See below |
| Remarks <input checked="" type="checkbox"/><br>1. Copy of Office Action dated January 28, 2004;<br>2. Transmittal Form;<br>3. Fee Transmittal Form;<br>4. Return receipt postcard.   |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |   |
|--|---|---|
| Firm or individual name                    | BakerBotts LLP<br>30 Rockefeller Plaza<br>New York, NY 10112                        |   |
| Signature                                  |  | Att Name: Eric J. Faragi<br>PTO Reg: 51,259 |
| Date                                       | January 28, 2004  |   |

| CERTIFICATE OF MAILING   |   |                        |
|--|---|------------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <u>January 28, 2004</u> |   |                        |
| Typed or printed name  | Eric J. Faragi  |                        |
| Signature  |  | Date: January 28, 2004 |

**BAKER BOTTS LLP****FEE TRANSMITTAL  
for FY 2002**

Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT**

(\$ 0)

**Complete if Known**

|                      |                    |
|----------------------|--------------------|
| Application Number   | 09/975,114         |
| Filing Date          | October 11, 2001   |
| First Named Inventor | Tomonari Ohtsuki   |
| Examiner Name        | Nguyen, Khiem M.   |
| Group Art Unit       | 2839               |
| Attorney Docket No.  | A34899 070793.0139 |

**METHOD OF PAYMENT**

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number  
**02-4377**  
  
Deposit  
Account  
Name  
**Baker Botts LLP**

☒ Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status.  
See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

**FEE CALCULATION****1. BASIC FILING FEE**

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description        | Fee Paid |
|-----------------------|-----------------------|------------------------|----------|
| 740                   | 370                   | Utility filing fee     |          |
| 330                   | 165                   | Design filing fee      |          |
| 510                   | 255                   | Plant filing fee       |          |
| 740                   | 370                   | Reissue filing fee     |          |
| 160                   | 80                    | Provisional filing fee |          |

**SUBTOTAL (1) (\$ 0)****2. EXTRA CLAIM FEES**

Total Claims Independent Claims Multiple Dependent

Extra Claims 20 -- = 0 x Fee from below = 0

3 -- = 0 x Fee from below = 0

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description  |
|-----------------------|-----------------------|--|
| 16                    | 8                     | Claims in excess of 20                                     |
| 84                    | 42                    | Independent claims in excess of 3                          |
| 280                   | 140                   | Multiple dependent claims, if not paid                     |
| 84                    | 42                    | ** Reissue independent claims over original patent         |
| 16                    | 8                     | ** Reissue claims in excess of 20 and over original patent |

**SUBTOTAL (2) (\$ 0)**

\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description  | Fee Paid |
|-----------------------|-----------------------|--|----------|
| 130                   | 65                    | Surcharge - late filing fee or oath  |          |
| 50                    | 25                    | Surcharge - late provisional filing fee or cover sheet                     |          |
| 130                   | 130                   | Non-English specification  |          |
| 2,520                 | 2,520                 | For filing a request for ex parte reexamination                            |          |
| 920*                  | 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 1,840*                | 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 110                   | 55                    | Extension for reply within first month                                     |          |
| 400                   | 200                   | Extension for reply within second month                                    |          |
| 920                   | 460                   | Extension for reply within third month                                     |          |
| 1,440                 | 720                   | Extension for reply within fourth month                                    |          |
| 1,960                 | 980                   | Extension for reply within fifth month                                     |          |
| 320                   | 160                   | Notice of Appeal   |          |
| 320                   | 160                   | Filing a brief in support of an appeal                                     |          |
| 280                   | 140                   | Request for oral hearing   |          |
| 1,510                 | 1,510                 | Petition to institute a public use proceeding                              |          |
| 110                   | 55                    | Petition to revive - unavoidable   |          |
| 1,280                 | 640                   | Petition to revive - unintentional   |          |
| 1,280                 | 640                   | Utility issue fee (or reissue)   |          |
| 480                   | 240                   | Design issue fee   |          |
| 620                   | 310                   | Plant issue fee  |          |
| 130                   | 130                   | Petitions to the Commissioner  |          |
| 50                    | 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 180                   | 180                   | Submission of Information Disclosure Sheet                                 |          |
| 40                    | 40                    | Recording each patent assignment per property (times number of properties) |          |
| 740                   | 370                   | Filing a submission after final rejection (37 CFR § 1.128(a))              |          |
| 740                   | 370                   | For each additional invention to be examined (37 CFR § 1.128(b))           |          |
| 740                   | 370                   | Request for Continued Examination (RCE)                                    |          |
| 900                   | 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3) (\$ 0)****SUBMITTED BY**Name (Print/Type) **Eric J. Faragi**Registration No. (Attorney/Agent) **61,259****Complete if applicable**Telephone **212.408.2591**

Signature

*Eric J. Faragi*Date **January 28, 2004**

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**BAKER BOTTS LLP**

Attorney Docket Number: A34899 070793.0139

Title: ELECTRICAL CONNECTOR

Use Space Below for Additional Information:





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1418  
Alexandria, Virginia 22313-1418  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/975,114      | 10/11/2001  | Tomonari Ohnuki      | A34699              | 8767             |

21003 7590 08/27/2003

BAKER & BOTTS  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

NGUYEN, KHIEM M

ART UNIT

PAPER NUMBER

2839

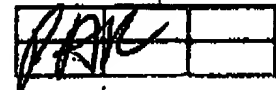
DATE MAILED: 08/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

BAKER BOTTS L.L.P.

03 ~~AM~~ AM 9: 50

TO



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark OfficeAddress: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

|                                 |                         |                                  |                     |
|---------------------------------|-------------------------|----------------------------------|---------------------|
| APPLICATION NUMBER<br>09/995114 | FILING DATE<br>10/11/01 | FIRST NAMED APPLICANT<br>OHTSUKI | ATTORNEY DOCKET NO. |
|---------------------------------|-------------------------|----------------------------------|---------------------|

|          |
|----------|
| EXAMINER |
|----------|

|          |                   |
|----------|-------------------|
| ART UNIT | PAPER NUMBER<br>5 |
|----------|-------------------|

DATE MAILED:

## NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12/18/02.
- ☐ A reply (with a Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_, which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☒ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
- ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
- ☐ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
- ☐ The proposed new formal drawings filed on \_\_\_\_\_ are not acceptable and the period for reply has expired.
- ☐ No proposed new formal drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

KHIEM NGUYEN  
PRIMARY EXAMINER

U.S. GPO: 2000-472-000/43202

Monday, September 08, 2003

## Call Up Report

Page: 1

From: 18-Mar-2003 To: 19-Mar-2003

CALLUPS FOR RAGUSA, P.A.  
EXTENSION 2588

| Case Number | Att'y(s) Inventor(s) | Action Due   | Date Due    | IRM Code             | Type |
|-------------|----------------------|--|-------------|----------------------|------|
| 35388       | US                   | IDS, IF ANY, DUE<br>IDS, IF ANY, DUE<br>Due Date                       | 19-Mar-2003 | BARKER,<br>BREITTELL | PAT  |
| 35388       | US                   | Information Disclosure Stmt<br>Information Disclosure Stmt<br>Due Date | 19-Mar-2003 | BARKER,<br>BREITTELL | PAT  |

Monday, September 08, 2003

## Call Up Report

Page: 1

From: 18-Jun-2003 To: 19-Jun-2003

CALLUPS FOR RAGUSA, P.A.  
EXTENSION 2588

| Case Number | Atty(s) Inventor(s) | Action Due  | Date Due    | Bill Code                         | Type |
|-------------|---------------------|---|-------------|-----------------------------------|------|
| 31816-I     | US HYT LURY ET AL.  | Foreign Filing<br>Foreign Filing 6 mon reminder<br>Due Date | 18-Jun-2003 | RESEARCH<br>FOUNDATION OF<br>SUNY | PAT  |
| 31816-II    | US HYT LURY ET AL.  | Foreign Filing<br>Foreign Filing 6 mon reminder<br>Due Date | 18-Jun-2003 | RESEARCH<br>FOUNDATION OF<br>SUNY | PAT  |
| 31816-III   | US HYT LURY ET AL.  | Foreign Filing<br>Foreign Filing 6 mon reminder<br>Due Date | 18-Jun-2003 | RESEARCH<br>FOUNDATION OF<br>SUNY | PAT  |
| 31816-IV    | US HYT LURY ET AL.  | Foreign Filing<br>Foreign Filing 6 mon reminder<br>Due Date | 18-Jun-2003 | RESEARCH<br>FOUNDATION OF<br>SUNY | PAT  |

Monday, September 08, 2003

## Call Up Report

Page: 2

From: 18-Jun-2003 To: 19-Jun-2003

CALLUPS FOR RAGUSA, P.A.  
EXTENSION 2588

| Case Number   | Atty(s) Inventor(s) | Action Due  | Date Due    | Reg Code                          | Type |
|---------------|---------------------|---|-------------|-----------------------------------|------|
| 31816-V       | US HYT LURVIEL AL   | Foreign Filing<br>Foreign Filing 6 mon reminder<br>Due Date | 18-Jun-2003 | RESEARCH<br>FOUNDATION OF<br>SUNY | PAT  |
| 31470-PCT-USA | US HYT KAO ET AL    | US-3 MONTH OA<br>3 MON DUE DATE<br>Due Date                 | 18-Jun-2003 | RESEARCH<br>FOUNDATION OF<br>SUNY | PAT  |
| 35532-A       | US AROUSI ET AL     | US-18 MONTH PRT - 2<br>FINAL DEADLINE<br>Final              | 18-Jun-2003 | BARKER,<br>BREITBEL               | PAT  |

RESPONSE MAILED 3/17/03 C.M.